AGENDA ITEM: 5.1
DATE: May 9, 2019

ACTION REQUESTED:
Review, Discussion, and Possible Action on Regulatory Proposal to Modify California Code of Regulations, Title 16, Division 14, Article 3, Sections 1423 (Approval Requirements) and 1432 (Changes to an Approved Program).

REQUESTED BY:
Michael Jackson, MSN, RN, CEN, MICN
Chair, Education Licensing Committee

BACKGROUND:
California Code of Regulations, title 16, division 14, article 3, sets forth the Board’s regulations for prelicensure nursing schools. The last major revision of these regulations took place in 2010. Over the last nine years the Board’s processes have continued to be refined and emerging issues have confronted the Board. This regulatory proposal is designed to address some of these changes.

SUMMARY OF CHANGES:

§ 1423
• Adds knowing concealment of a material fact required to be submitted to the Board and knowing misrepresentation of a material fact submitted to the Board as a basis for disciplinary action against a prelicensure nursing school.

§ 1432
• Clarifies and makes specific existing authority regarding substantive changes requiring preapproval of the Board.

RECOMMENDATION: [To be determined at the earlier ELC meeting]

NEXT STEPS:
Start the formal rulemaking process, set for hearing, and delegate to staff to make non-substantive changes in the rulemaking file.

FISCAL IMPACT, IF ANY:
Staff estimates that there will be no fiscal impact to the Board, as the proposed regulations merely refine and formalize existing processes.

PERSON(S) TO CONTACT:
Thelma Harris
Chief of Legislation
Phone: 916-574-7466
Email: thelma.harris@dca.ca.gov
Proposed Prelicensure Nursing Regulations Updates

16 CCR § 1423

§ 1423. Approval Requirements.

(a) In order for a program to be approved by the board or to retain its approval, it shall comply with all requirements set forth in this article and in sections 2786 through 2788 of the code.

(b) A material misrepresentation of fact by a program applicant or an approved nursing program in any information required to be submitted to the board is grounds for denial of approval or revocation of the program's approval. The board may deny a program applicant's approval or revoke a program's approval if a program or program applicant knowingly conceals a material fact required to be submitted to the board or knowingly misrepresents a material fact submitted to the board.

§ 1432. Changes to an Approved Program.

(a) Each nursing program holding a certificate of approval shall:

(1) File its legal name and current mailing address with the board at its principal office and shall notify the board at said office of any change of name or mailing address within thirty (30) days prior to such change. It shall give both the old and the new name or address.

(2) Notify the board within ten (10) days of any:

   (A) Change in fiscal condition that will or may potentially adversely affect applicants or students enrolled in the nursing program.

   (B) Substantive change in the organizational structure, administrative responsibility, or accountability in the nursing program, the institution of higher education in which the nursing program is located or with which it is affiliated that will affect the nursing program.

(b) An approved nursing program shall not make a substantive change without prior board authorization. These changes include, but are not limited to:

(1) Change in location.

(2) Change in ownership.

(3) Addition of a new campus or location.

(4) Significant change in the agreement between an approved nursing program that is not an institution of higher education and the institution of higher education with which it is affiliated.

(5) Any increase in total annual enrollment, or any change in the frequency, timing, or number of new student admissions for each board approved prelicensure program or degree option.